## REMARKS

Claims 1-4, and 6-35 are pending. No claim is canceled, withdrawn from consideration, currently amended, or newly presented.

The Office Action mailed July 8, 2003 rejected claims 1-4 as obvious under 35 U.S.C. § 103 based on *Brouckman et al.* (US 6,134,307) in view of *Heindel et al.* (US 6,304,857) and in further view of *Walker et al.* (U.S. 5,949,875) and *Ganesan et al.* (U.S. 6,055,567), claims 5-7 and 27-31 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, and the commonly-assigned *Witzman et al.* (US 5,737,399), claims 6-7 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, and *Doherty et al.* (US 5,333,184), claims 8-10 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, and *Kay et al.* (US 5,757,894), claims 11-16 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, and *Herbert* (US 5,333,183), claims 17-23 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, *Liu et al.* (US 5,898,780) and *Wang* (US 5,991,746), claims 24-26 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, and *Jaiswal et al.* (US 6,002,754), and claims 32-35 over *Brouckman et al.* in view of *Heindel et al.* and in further view of *Walker et al.*, *Ganesan et al.*, *Cameron et al.* (US 6,317,490) and *Cauffman et al.* (US 5,325,290).

Independent claims 1, 10, 17, and 22 each recites "billing processing by a **co-carrier access billing system** for settlement with the Internet Service Provider." As proffered in Applicants' previous response, the combination of *Brouckman et al.* , *Heindel et al.*, *Walker et al.* and *Ganesan et al.* fails to disclose this claim feature. The present Office Action does not offer any rebuttal to Applicant's arguments, which explain the absence of this feature.

Nevertheless, Applicants believe the prior arguments for the allowability of claims 1, 10, 17, and 22 remain valid, and are reiterated as follows for convenience.

To cure the further deficiencies of the combination of *Brouckman et al.*, *Heindel et al.*, and *Walker et al.*, the Office Action relies on *Ganesan et al.* for disclosure of a co-carrier access billing system. Applicants pointed out that *Ganesan et al.* does not reasonably support the conclusion that the established-billing-aggregator 94 is a co-carrier. It was explained that, at best, the aggregator 14 is a financial institution, while the LEC is treated as a billing institution. It is with these definitions that the system of *Ganesan et al.* operates and attempts to meet the following objects (col. 2: 17-43), for example: providing a distributed data accessing technique that allows a customer to interact directly with individual billers, while retaining the benefits of interacting with a single aggregator; and providing a distributed data accessing technique that allows a customer to retain the benefits of interacting with a single aggregator while allowing the aggregator, billers, and sponsor to retain control of customer-related data and a communication channel with each customer.

In its hindsight reconstruction of the claimed invention, the Office Action, without any factual basis, interprets the billing aggregator 94 to be a competitive local exchange carrier (co-carrier). Thus, *Ganesan et al.* cannot disclose a "co-carrier," much less "a **co-carrier access billing system** for settlement with the Internet Service Provider," as positively recited in claims 1, 10, 17, and 22.

Accordingly, the combination of *Brouckman et al.*, *Heindel et al.*, *Walker et al.*, and *Ganesan et al.* fails to meet the features of the claimed invention. Furthermore, the remaining references of *Witzman et al.*, *Doherty et al.*, *Herbert*, *Liu et al.*, *Wang*, and *Jaiswal et al.* also fail to disclose the missing features. In particular, *Witzman et al.* describes centralized storage and verification elements (SAVE) that provide raw data filtered of extraneous data so as to be useful

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to downstream clients. In addition, *Doherty et al.* is directed to call message recording for telephone systems, *Kay et al.* to a virtual foreign exchange service, *Herbert* to an MDR data record collection and reporting system, *Liu et al.* to a method and system for authorizing remote Internet access, *Wang* to a billing system using a modified file transfer protocol, and *Jaiswal et al.* to billing formatter for telephone systems, but these all do not disclose the bill settlement with an ISP, much less a co-carrier access billing system.

In fact, even the new references of *Cameron et al.* and *Cauffman et al.*, which are not applied in the obviousness rejection of independent claims 1, 10, 17, and 22, do not satisfy the features of these independent claims, particularly with respect to the feature of "billing processing by a **co-carrier access billing system** for settlement with the Internet Service Provider."

*Cameron et al.* discloses (Abstract) a telecommunications service billing administrator for providing real-time billing query functionality. On col. 2: 30-38, *Cameron et al.* describes that the billing administrator 10 has a user interface 100 that is coupled to a billing information data repository ("BIDR") 200. Access to the network 10 is provided through a voice access device 14 or a data access device 16 selectively coupled to the user interface 100. The user interface 100 allows a telecommunications subscriber through the voice access device 14 or the data access device 16 to query their billing account for real-time usage data contained with the BIDR 200. *Cameron et al.* further discloses (col. 2: 61-63) that the telecommunications network 12 is a carrier.

Applicants note that the Office Action has focused on only one aspect of the claim feature, that of "a co-carrier access billing system," ignoring the specific feature of "for settlement with the Internet Service Provider." The *Cameron et al.* system provides no mention

(or does it contemplate so) of a capability by the billing administrator 10 to support "settlement with the Internet Service Provider," as recited in the claims.

The other reference of *Cauffman et al.* sheds no light on this missing feature. *Cauffman et al.* discloses (col. 3: 11-18) a system for combining standard data processing hardware and specially designed software for distributing to large-volume telecommunications or other service customers telephone bills, credit card bills, and the like on diskettes compatible with commonly available small and inexpensive personal computers for customer-directed display and in-depth analysis.

Dependent claims 2-9, 11-16, 18-21, and 23-31 are allowable for at least the same reasons as their independent claims and are separately patentable on their own merits. For example, claims 4 and 12-13, which recite that "the network process is further operative to poll the gateway to collect the collected call billing data." Applicants contended that both *Brouckman et al.* at col. 4, lines 38-40 (which merely states that billing records are created, not polled) and *Herbert* at col. 28, lines 22-31 (which does not disclose any polling of any gateway) both cited in the Office Action fail to disclose this feature as precisely claimed. This latest Office Action (as with the previous Office Action) does not address these arguments. However, in the present Office Action, a reference to *Cameron et al.* was made, although *Cameron et al.* has not been applied in the rejection of claims 4 and 12-13. The only mention in *Cameron et al.* with respect to any type of "polling" is that after completing the "Query" or the "Update," the network interface 500 returns to polling for access request messages in step 504 (col. 4: 53-56). This disclosure pertains to the treatment of access request messages and bears no relevance to "the network process is further operative to poll the gateway to collect the collected call billing data."

As regards dependent claims 32-35, in support of its obviousness rejection, the Office Action (on page 15) constructs the combination of *Brouckman et al.*, *Heindel et al.*, *Walker et al.*,

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*Ganesan et al.*, *Cameron et al.*, and *Cauffman et al.* Claims 32-35 depend correspondingly from independent claims 1 and 17, and thus, are allowable for at least the reasons argued above for the allowability of these independent claims. Furthermore, claims 33 and 35 recite maintaining "**a counter of block sequence numbers for the gateway**, wherein the default values of the header fields and the trailer fields include, respectively, the block sequence numbers to specify a first and last block in the output file."

The Office Action, on page 2, utilizes *Cauffman et al.* for the claimed "counter of block sequence numbers," citing FIGs. 39-43, col. 33: 12 – col. 34: 12; col. 40: 41 – col. 41: 19). In pertinent part, the cited passages (col. 34: 15-32) disclose that in step 2120, the program opens the R:BASE database definition file 2202 (File 1) and locates "Block 6" 2214 which describes the beginning, end, and maximum record length for each table in the data contents file. It is expected that every call detail report will contain some call detail records. Accordingly, in step 2122, the table definition entry 2218 for the CDR table is located, and the beginning offset B1 and record length L1 of that table are retrieved. In step 2124, the report format selected by the user is inspected to determine which of the available summary record tables should be used to retrieve summary information for the selected report. The appropriate table definition entry for that table is located, and the beginning offset and record length of that table are retrieved. Only one summary table, the NPA summary table 2208, and its associated table definition entry 2220 are shown in FIGS. 46-47 to avoid clutter.

At best, *Cauffman et al.* discloses, of a general nature, use of block sequences, and falls short of disclosing "a counter of block sequence numbers **for the gateway**."
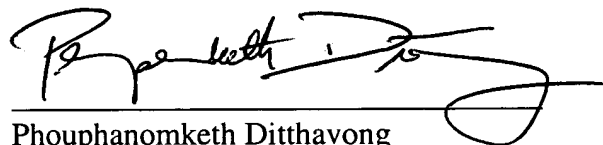
Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the

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undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as

possible.

Respectfully Submitted,

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Date

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